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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MICHELS ET AL.
Serial No.: 10/791,370
Filed: MARCH 1, 2004
Title: DELIVERY SYSTEM AND METHOD

Examiner: UNKNOWN
Group Art Unit: UNKNOWN
Docket: 9748.117US01

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 2, 2004.

By: 
Name: Tracy J. Nicholson

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449, 8 Reference(s)
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: 

Name: Katherine M. DeVries Smith
Reg. No.: 42,157
KDeVriesSmith:PLStov



IN 10/791,370

PATENT

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By: 
Name: Tracy C. Nicholson

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

Copies of any foreign patent documents or "Other Documents" listed on the Form 1449 are enclosed, in accordance with 37 C.F.R. §1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.


Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

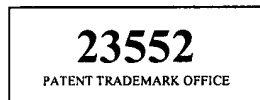
Respectfully submitted,

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P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: June 2, 2004



Katherine M. DeVries Smith
Reg. No. 42,157
KDS:PLStov



FORM 1449 INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 9748.117US01	Application Number: 10/791,370
	Applicant: MICHELS ET AL.	
	Filing Date: 03/01/2004	Group Art Unit: UNKNOWN

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,851,646	12/03/1974	Sarns			
	4,329,987	05/18/1982	Rogers et al.			
	4,453,289	06/12/1984	Kleykamp et al.			
	4,557,261	12/10/1985	Rügheimer			
	4,672,979	06/16/1987	Pohndorf			
	4,723,948	02/09/1988	Clark et al.			
	4,744,788	05/17/1988	Mercer, Jr.			
	4,826,477	05/02/1989	Adams			
	4,892,518	01/09/1990	Cupp et al.			
	5,053,015	10/01/1991	Gross			
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	5,215,530	06/01/1993	Hogan			
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	5,762,636	06/09/1998	Rupp et al.			
	5,931,801	08/03/1999	Burbank et al.			
	5,931,829	08/03/1999	Burbank et al.			

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

FORM 1449*	INFORMATION DISCLOSURE STATEMENT	Docket Number:	Application Number:	
IN AN APPLICATION		9748.117US01	10/791,370	
		Applicant: MICHELS ET AL.		
(Use several sheets if necessary)		Filing Date: 03/01/2004	Group Art Unit: UNKNOWN	

	5,941,823	08/24/1999	Chait			
	5,976,110	11/02/1999	Greengrass et al.			
	5,989,239	11/23/1999	Finch et al.			
	5,997,524	12/07/1999	Burbank et al.			
	6,007,516	12/28/1999	Burbank et al.			
	6,090,099	07/18/2000	Samson et al.			
	6,099,519	08/08/2000	Olsen et al.			
	6,113,572	09/05/2000	Gailey et al.			
	6,120,492	09/19/2000	Finch et al.			
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	6,193,684 B1	02/27/2001	Burbank et al.			
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	6,368,316 B1	04/09/2002	Jansen et al.			
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	6,524,296 B1	02/25/2003	Beals			
	6,562,022 B2	05/13/2003	Hoste et al.			
	6,638,242 B2	10/28/2003	Wilson et al.			

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	Filing Date: 03/01/2004	Group Art Unit: UNKNOWN

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	0 564 321 A2	10/06/1993	EP				X
	WO 93/00129	01/07/1993	PCT			Abstract	
	WO 98/31272 A2	07/23/1998	PCT				
	WO 98/31272 A3	07/23/1998	PCT				
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
		Abstract submitted to Society for Interventional Radiology in October 2003, "In vivo evaluation of the microcatheter arterial port system for regional therapy" 1 page					
		"FDA Premarket Notification Database Information for Port-A-Cath II Regional Arterial Portal System and Summary," http://www.accessdata.fda.gov , 2 pages and 7 pages (available at least as early as February 27, 2004)					
		Waggershauser, T. et al., "Percutaneous Implantation of Port-Catheter Systems for Intra-Arterial Chemotherapy of the Liver," <i>Der Radiologe</i> , Vol. 39, No. 9, pp. 772-776 (1999) - (English Translation included)					
		Kern, W. et al., "Phase I and pharmacokinetic study of hepatic arterial infusion with oxaliplatin in combination with folinic acid and 5-fluorouracil in patients with hepatic metastases from colorectal cancer," <i>Annals of Oncology</i> , Vol. 12, pp. 599-603 (2001)					

23552

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